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SENATE BILL 1166

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO HEALTH; PROVIDING PROCEDURES FOR DEPO-PROVERA
CONTRACEPTIVE INJECTIONS TO WOMEN WHO GIVE BIRTH TO A DRUG- OR
ALCOHOL-ADDICTED BABY FOR A SECOND TIME.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. BIRTH OF DRUG- AND ALCOHOL-ADDICTED BABIES--
PROCEDURES FOR DEPO-PROVERA CONTRACEPTIVE INJECTIONS--REMOVAL--
COSTS.--

A. The department of health shall design and
implement procedures for the purpose of identifying women who
give birth to drug- or alcohol-addicted babies.

B. When a woman gives birth to a drug- or alcohol-
addicted baby for a second time, the department of health shall
petition the district court for the judicial district in which
the woman gave birth for an order to initiate depo-provera

1 contraceptive injections for the woman. The department shall
2 provide the woman with notice of the time and place of the
3 hearing to determine whether to initiate depo-provera
4 contraceptive injections for her. During the hearing, the
5 district court may take testimony from the woman, the other
6 parent of the drug- or alcohol-addicted baby, a representative
7 of the department and any other individuals deemed necessary by
8 the court. At the conclusion of the hearing, the district
9 court shall decide the issue of whether to initiate depo-
10 provera contraceptive injections for the woman and issue an
11 appropriate order based upon the court's decision.

12 C. The woman required to initiate depo-provera
13 injections may petition the district court for removal;
14 provided that the woman has remained drug- and alcohol-free for
15 a period of no less than one year.

16 D. The cost of depo-provera contraceptive
17 injections ordered pursuant to the provisions of this section
18 shall be paid for by the department of health.